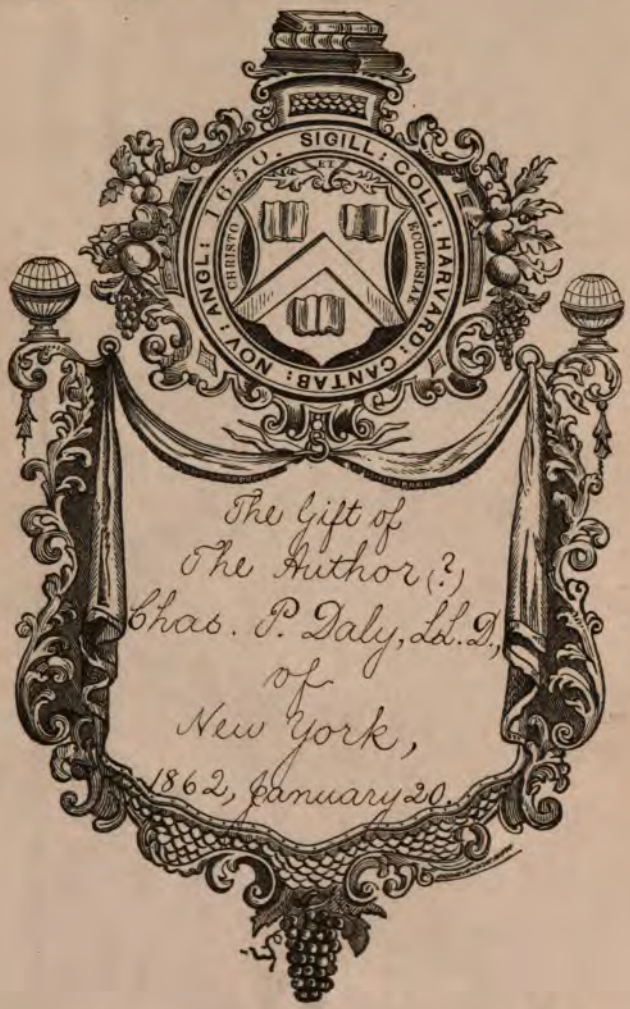

[illegible]

I

NATURALIZATION.

THE PAST HISTORY OF THE SUBJECT,

AND

PRESENT STATE OF THE LAW

IN THE DIFFERENT COUNTRIES OF THE WORLD.

NATURALIZATION.

EMBRACING THE

PAST HISTORY OF THE SUBJECT,

AND THE

PRESENT STATE OF THE LAW

IN THE

UNITED STATES, GREAT BRITAIN, BRITISH COLONIES, FRANCE, BELGIUM, HOLLAND, SWEDEN, NORWAY, DENMARK, RUSSIA, THE STATES OF THE GERMANIC CONFEDERATION, AUSTRIA, PRUSSIA, BAVARIA, WURTEMBERG, HANOVER, SAXONY, THE HANSEATIC TOWNS, BREMEN, HAMBURG, LUBECK, FRANKFORT, SWITZERLAND, PORTUGAL, SPAIN, ITALY, SARDINIA, THE PAPAL STATES, NAPLES, SAN MARINO, GREECE, TURKEY, EGYPT, THE WEST INDIA ISLANDS, CUBA, HAYTI, MEXICO, BRAZIL, PERU, BOLIVIA, PARAGUAY, CHILI, VENEZUELA, NEW GRENADA, ECUADOR, COSTA RICA, HONDURAS, AND SAN SALVADOR.

FROM THE NEW AMERICAN CYCLOPÆDIA.

BY

CHARLES P. DALY, LL. D.

FIRST JUDGE OF THE COURT OF COMMON PLEAS OF THE CITY OF NEW YORK.

[PRINTED FOR PRIVATE CIRCULATION.]

NEW YORK:
JOHN F. TROW, PRINTER, 50 GREENE STREET.
1860.

PRELIMINARY NOTE.

The small amount of information in relation to naturalization to be found either in the works upon international law, the encyclopædias, or in the law dictionaries, whether in our own language or in that of other countries, induced the preparation of an article which should embrace a very full and general view of the subject. In an undertaking of so much labor, involving an inquiry into the law of so many different countries, it is very possible that some mistakes may have occurred, and the article has therefore been printed separately from the work for which it was written, in the hope that those to whom it may be sent, especially gentlemen abroad, will communicate additional information, and point out any errors they may discover, as it is the design of the writer to connect it hereafter with a more extended publication, embracing the cognate subjects of citizenship and allegiance.

NATURALIZATION.

NATURALIZATION is the act of investing an alien with the rights and privileges of a native-born citizen or subject. It is of two kinds, collective and personal. A collective naturalization takes place when a country or state is incorporated in another country by gift, cession, or conquest. Thus, when England and Scotland were formed into one kingdom in the reign of Queen Anne, it was declared by the 4th section of the act of union, that subjects of the United Kingdom possessed thereafter all the rights, privileges, and advantages enjoyed by the subjects of either kingdom; and when Louisiana was ceded by France to the United States in 1803, it was provided by the 3d article of the treaty, that its inhabitants should be entitled to all the rights and privileges of citizens of the United States; and a similar effect took place when the republic of Texas was annexed to and formed into one of the states of the American Union. There have been instances, moreover, where nations have conferred generally upon the subjects of other nations all the rights enjoyed by their own subjects. Such a privilege was conceded by France to Spain by the Bourbon family compact of 1761; and formerly in France the Dutch and Swiss had by treaty stipulations the rights of natives. Personal naturalization is where the privileges of a subject or citizen are conferred upon an individual by the license or letters patent of a sovereign or the act of a legislative body, or are obtained by the individual himself under a general law, upon his complying with certain conditions prescribed by the law.

Naturalization was practised among the states of antiquity, and is found in the rudest forms of human society.

government, we have no means of determining. We merely know that the children of foreign female slaves by Egyptians followed the political condition of the father. Nothing definite can be drawn from the case of Joseph, as his elevation to an office of great trust and dignity was due to an extraordinary circumstance. It was not even the capricious act of a despotic monarch, but was conferred after Pharaoh had consulted with his ministers, upon a man whose prophetic sagacity and discretion pointed him out as peculiarly fitted to have the direction of measures suggested by himself as the only means of averting a threatened national calamity. Joseph, though born in Mesopotamia, and a slave, became practically an Egyptian. He held the elevated position of chief overseer in the household of a man of high rank in the army; he spoke to his brethren through the aid of an interpreter, and that he had imbibed the national faith is implied in the fact that he could not eat with them. He was married by Pharaoh to the daughter of a priest of the highest order of the priesthood, and it was indispensable to his position as chief minister that he should be acquainted with the learning, both secular and religious, so jealously guarded by the priests, who had exclusively in their hands the administration of the law. All these circumstances indicate that he was either not regarded as a stranger, or had become in effect an Egyptian. In the reign of Psammetichus, B. C. 617, more than eight hundred years after the death of Joseph, the country was opened to a free intercourse with foreigners, and great privileges were allowed, especially to Greeks. But the policy pursued by this monarch in relation to foreigners displeased a large portion of his subjects, and he had to maintain his power throughout his long reign by assiduously courting the priesthood, and by placing his chief dependence upon Greek mercenaries.

Babylon, from its commanding commercial position, was the centre of a vast trade, and the gathering place of men from every part of the known world. That foreigners, and in considerable numbers, were permanent residents at this great emporium, and that its laws were liberal and cosmopolitan, may be inferred, but we know nothing positively.

In widely-extended empires, like that of the Persian, the subjugated countries were left to the free enjoyment of their own laws and customs. To secure obedience, they were ruled over by Satraps, but the only obligation imposed was the payment of an annual tax, and the duty of supplying

troops in time of war. The Persians proper were divided into tribes. These tribes were either agricultural or nomadic; or hereditary families varying in rank, to the noblest of which the royal house belonged. Whether foreigners were allowed to become members of these distinct organizations is not known, but whether they were or not would make but little difference, as all power under these despotic Asiatic monarchies was in the king, the court favorites, and the priesthood; and as the mass of the people had no political privileges, foreigners, as long as they were permitted to visit, take up their abode, or follow their avocations, which appears to have been very generally allowed, had all that the people possessed. Difference of religion constituted something of a barrier. A deep religious hatred existed between the Egyptians and the Persians, and wherever this sentiment prevailed, it tended, as in modern states, to lessen intercourse, and keep people separate and apart.

The Phœnicians were jealous of and sought to exclude all foreigners who were, or whom they had reason to fear might become, commercial rivals. From this class, the most active of whom were the Greeks, they sought to conceal all knowledge of their arts, inventions, manufactures, the secrets of their navigation, and all knowledge of the countries they visited in their adventurous maritime enterprises; but, otherwise, they had an extensive intercourse with foreigners. We know, from the remarkable passage in Ezekiel, that they were not merely traders to and from other countries, but that their chief city, Tyre, was a great emporium for the exchange of commodities, to the fairs of which the people of the different nations enumerated by the prophet brought their wares for the purpose of traffic; and we also learn from him that Persians, Lydians, or Nubians, served in their armies. Of the internal government of the Phœnicians, or of their laws, we know comparatively nothing; but consisting as they did of a confederation of independent cities and colonies, knit together by the tie of a common origin, language, and national religion, the people of the respective cities must have shared largely in the administration of the government, and in the exercise of political rights. It may be inferred, from the peculiar character of their religion, that foreigners, if admitted to participate in such privileges, were required to embrace the national faith; and it is reasonable to suppose that a people so enlightened and commercial, were at least as liberal in respect to naturalization as their agri-

cultural neighbors the Jews. Of the smaller commercial nations, the Colceans, Sabeans, and Lydians, we know as little as of the Phœnicians. The Lydians are said to have been the first people who provided in their cities places of public entertainment for the reception of foreigners.

In Greece, during the heroic ages, the people had few or no privileges, and whatever was allowed to them appears to have been as freely extended to strangers. In the convulsions which followed these ages, naturalization was readily granted; but as the different states settled down into compact and well-organized communities, the value of citizenship became enhanced, and the privilege was more sparingly bestowed. In Athens, so far as can be gathered from the fragmentary information that has descended to us, there would seem to have been three kinds of naturalization: 1. The admission of an alien to membership in a deme or township by the vote of its inhabitants, at their convocation or general meeting, and the inscribing of his name upon the lexiarchic register, or roll of the qualified citizens of the deme, kept by the demarch. 2. Citizenship conferred by the State as a mark of distinction upon foreigners eminent for their virtues or talents, or who had rendered important services to the republic. 3. Privileges, more or less qualified, extended to the inhabitants of other states, or to particular persons. By the laws of Solon, none but those who were banished from their country forever, and had, with their families, taken up their permanent abode in Attica, with the intention of practising some trade or profession, could be enrolled in the list of citizens. Afterwards, however, the practice arose of bestowing citizenship as the gift of the state. It was conferred as an honorary distinction upon foreigners, admitting them to every privilege except that of holding the office of archon or priest, and did not imply the necessity of residence; but whether it entitled them to vote in the assembly is a point upon which authors are divided. This was deemed so great an honor, that it had to be canvassed at two successive meetings of the Ecclesia or general assembly of the citizens at Athens. If approved of at the first, it was essential that it should be ratified at the second by a vote of at least 6000 citizens. The voting was by balloting with pebbles at the close of the assembly; and if successful, the name was inscribed upon the register of a deme or phyle, the cause for which it was granted was specified in a decree, which was open for reinvestigation for a year, at the demand of a citi-

zen, and the persons thus honored were distinguished by a general term, to denote the high rank of their citizenship. This species of naturalization was but rarely granted in the early stages of the republic, even to requite the most signal services, as it was esteemed the most splendid distinction which the state could bestow, and one which the greatest merit could scarcely expect to receive; but at a later period it was more common, and Isocrates, in one of his orations, laments the facility with which the state threw away its nobility upon strangers. The admission of aliens as members of a deme, which was the ordinary or general mode of naturalization, was very limited at first, as the Athenians, in common with the other Grecian states, placed a high value upon citizenship, and were suspicious of and prejudiced against foreigners. When Cleisthenes made a new division of the tribes, B. C. 509, and of their subdivision into demi or local parishes, townships, or cantons, he, with the view of strengthening these separate political communities, added new citizens, among whom were included not only resident foreigners and strangers, but even slaves. It was not intended as a precedent, but was a temporary expedient to enable him to carry out more effectually his plan for the division of the people into local communities. The innovation, however, was followed by the gradual extension of a more liberal feeling in regard to aliens. There was constantly at Athens a large body of resident foreigners, attracted there either by commercial pursuits, or a wish to profit by the instruction of its schools, or the love of amusement. This class, embracing persons from all parts of Greece, and other countries, were known in contradistinction to transitory strangers or mere sojourners, by the appellation of Metoeci, and were under many disabilities. They could not acquire landed property, and if engaged in industrial pursuits, they were subject to a heavier tax than the citizens. They were compelled to select a patron as the mediator between themselves and the state, in the transaction of all legal business, who was answerable for their good conduct. They were obliged, like the citizens, to serve in the army or navy when the exigencies of the state demanded it, and occasionally compelled to perform degrading services, which were rather symbolical acts, designed to remind them of the inferiority of their relation to the citizen. Upon the payment of the tax imposed, they were allowed to engage in trade and commerce; and nearly all commercial business was in their hands. To this class, who had

made Athens their permanent abode, it was of the greatest importance to be admitted members of a deme, as it released them from a burdensome tax, enabled them to acquire land, to inherit, and generally to enjoy the privileges of citizens, except that of holding the office of archon or priest. So strong was this desire, that they were occasionally induced to get their name surreptitiously entered upon the register of a distant deme; for a citizen was not obliged to reside in the one in which he was enrolled, and there were at least one hundred of these distinct commonalties distributed over Attica; but if the fraud was discovered, the alien was liable, upon conviction, to be sold as a slave. Themistocles exerted himself strongly in favor of this class, and chiefly through his influence their admission into the demi was greatly facilitated, and it afterwards became more general. When the number of the citizens was greatly diminished by war, the loss was supplied by the admission of the resident aliens or metoeci. After the disastrous defeat at Syracuse, which nearly depopulated the state, the ranks of the citizens were recruited by naturalizing the metoeci. The lexarchic registers were filled with these names, and the naturalization was so extensive as nearly to abolish all distinction. The loss of citizens was again supplied in this way after the battle of Chæronæa; and perhaps no state, in proportion to its population, ever naturalized so many aliens. There existed in Athens, and in other Grecian states, the practice of extending to the inhabitants of other states, or to particular persons, certain privileges appertaining to citizenship,—such as the right of intermarriage, of holding landed property, or an exemption from the alien tax in the case of residence; or honorary citizenship was conferred collectively upon the people of another state. This was the case at Athens, where the inhabitants of certain states were by law entitled to the privileges of citizens, upon coming into the Athenian territory; and the Delphians, in return for a munificent gift by Crœsus king of Lydia, granted to such of the Lydians as thought fit to accept it, the immutable right of being enrolled among the citizens of Delphi.

In Sparta the population were divided into three classes: the Spartans, or descendants of the Dorians; the Periocci, or descendants of the original inhabitants of the country; and, lastly, the Helots, or slaves. To this enumeration, perhaps, should be added the emancipated slaves, who constituted a distinct body. The Spartans, who were the governing class,

dwelt in the capital, organized under the peculiar institutions of Lycurgus. The Periocci, who greatly exceeded the Spartans in numbers, were dispersed, through the policy of the latter, over the territory of Lacedæmon, in a great number of hamlets, occupied in agriculture; or they lived in the maritime towns, devoting themselves to trade, manufactures, and the arts, which were exclusively in their hands, as the Spartans considered it beneath their dignity to engage in such pursuits. Though personally free, the Periocci were a subjugated race, holding, in respect to the Spartans, a position somewhat analogous to that of the Saxons of England under the Normans. In the army, they served in the superior rank of the hoplites or heavy-armed soldiers, attended by their Helots or slaves, and the most distinguished among them were occasionally admitted to offices of trust, and even to the command of fleets, but no instance is known before the time of Cleomenes, B. C. 226, in which one of this class was ever admitted to the Spartan privileges. They could not intermarry with the Spartans, nor vote in their assemblies, nor hold any important political office, such as senator, though they appear to have possessed certain privileges in the communities to which they belonged, the exact nature of which is not known. The Helots, with the exception of domestic servants in cities, were in the condition of serfs attached to the land, and could not be sold away from it. They were considered the property of the state, which, while it gave their services to individuals, reserved to itself the right of emancipating them. When emancipated, they did not pass into the condition of the Periocci, nor become Spartans, but a separate body, known by a distinct name, and were subdivided into classes:—those released from all service, those employed in war, those who served on board of the fleet, those distinguished by the possession of freedom for a certain length of time, and those brought up with young Spartans and then emancipated. They acquired no political privileges by emancipation, but enjoyed the right to dwell where they pleased. It is assumed, upon the authority of certain Greek writers, that Helots, who had greatly distinguished themselves, were raised to the dignity of Spartan citizenship, and the names of several eminent citizens of Sparta are given, as either originally Helots or else descendants of this servile class, but such instances must have been exceedingly rare. It was the fixed policy of the Spartans, and the peculiar aim of their institutions, to retain to themselves and to their descend-

ants the exclusive exercise of political power; and so rigidly was this policy pursued, that Herodotus declares that but two instances had occurred in which they had admitted foreigners to the full franchise. After the time of Herodotus, foreigners were occasionally admitted, and it is after this period that Helots are supposed to have been raised to this dignity. Upon the revolution effected by Cleomenes, and the reconstruction by him of the constitution of the state, he admitted a considerable number of new citizens. They were selected from among the most worthy and deserving of the population, and embraced natives of Lacedæmon, Periocci, and strangers, all of whom were admitted to the full franchise.

In Rome, during the republic, citizenship was conferred by a vote of the senate upon aliens who had rendered eminent services to the state, of which several striking examples are mentioned by the Roman historians. After the social or Marsic war, 90 B. C., the right was extended to all the people of Italy. Under the emperors, down to the reign of Antoninus (Caracalla), foreigners petitioning for citizenship were naturalized by an imperial decree; but under a constitution promulgated by Antoninus, all the free inhabitants of the various provinces comprising the empire became thereafter Roman citizens; and as that empire embraced the civilized world, there could be few or no instances thereafter of personal naturalization.

The mode of obtaining naturalization in modern times, and the condition upon which it will be granted, differ in different countries. In the United States the power of conferring it is exclusivel vested in the confederated sovereignty of the states. This power has been sometimes exercised by a collective naturalization, in cases where foreign territory has been acquired, and in respect to certain Indian tribes; but the mode in which individuals obtain it on their own application is regulated by acts of congress. The policy of this country upon the subject, which is characterized by a desire to admit all foreigners of good character to a full participation in all the rights enjoyed by our own citizens, after a period of probation sufficiently long to enable them to become acquainted with the nature of our institutions, is to be traced back to an early period of our colonial history. It was not derived, like many of our laws, from the enactments or the example of Great Britain, but grew out of the necessities attendant upon the settlement of a new country.

At the period when the colonies were founded, the policy of England for more than a century had been hostile to conferring political privileges upon foreigners; and so illiberal was its course in this respect through the whole period of our colonial history, that one of the acts of tyranny charged upon George III. in the declaration of independence was, that he had endeavored to prevent the population of the states by obstructing the laws for the naturalization of foreigners, and by refusing to pass others to encourage their migration hither. The only mode by which a foreigner in England could obtain naturalization investing him with all the rights of a subject, was by act of parliament. He could obtain letters of denization by the king's special license, which was granted with certain restrictions. In the seventh year of the reign of Queen Anne an act was passed naturalizing foreign Protestants, by which persons of this class could be admitted to all the rights of subjects upon receiving the sacrament and taking the oaths of abjuration and allegiance; but it was repealed in the short space of three years.

The rights of foreigners settled in the colonies were in a very precarious state. By the law of England they could neither hold nor transmit real property, nor exercise any political rights; and by the navigation act, unless they were naturalized or made free denizens by the king's letters patent, they were forbidden to exercise in any of the colonies the occupation of a merchant or a factor. To remedy this state of things and to encourage immigration, the colonial legislatures exercised the right of passing naturalization laws. Maryland was the first colony that took this course. In 1666 she enacted a law for the naturalization of the Dutch from Cape Henlopen, and the French Protestant refugees who had settled in the colony, and continued to pass laws for the naturalization of aliens to the time of the revolution. In 1671, in the reign of Charles II., the colony of Virginia passed an act for the naturalization of any one desiring to make that commonwealth his constant residence, who might apply by petition to the general assembly; the act commenced with the declaration that "nothing could tend more to the advancement of a new plantation, nor add more to the glory of a prince, than being the gratuitous master of many subjects, nor any better way of producing that effect than the inviting the people of other nations to reside among them, and by a communication of privileges." Five acts were afterward passed, naturalizing a number of aliens who had

petitioned for the privilege. In 1680 the governor was authorized to grant letters of naturalization to any foreigner settled in the colony upon his taking the oath of allegiance. In 1705 a law was passed, adding the test oath to the oath of allegiance to secure the Protestant succession, and in 1738 another act naturalizing any alien who might settle upon the Roanoke.

In South Carolina, in 1690, the proprietors proposed to admit the French Protestants who had settled in the province to all the privileges enjoyed by others. The measure, however, was strenuously opposed by the native and English inhabitants, who insisted that it was contrary to the law of England to admit aliens to the rights of subjects, as no power but the British parliament could remove their legal disability. But the mild and patient demeanor of the new settlers gradually overcame all national antipathies, and awakened such general respect and esteem that, in 1693, the legislature of the colony with great unanimity passed a naturalization act, without even affecting to be disturbed by any scruples respecting the exclusive power of the British parliament. The colony of New York passed an act in 1683, declaring that all actual inhabitants of the province professing Christianity, of whatever foreign nation, should be entitled to all the privileges of natural-born subjects upon taking the oath of allegiance. Delaware in 1700 passed an act empowering the governor to declare any alien, previously settled, or thereafter coming to settle in the province, naturalized, upon taking an oath to be true and faithful to the king and to the governor of the province, and declaring that all Swedes, Dutch, and other foreigners settled in the colony before its acquisition by the English were to be deemed fully and completely naturalized. Pennsylvania also passed a naturalization law in the same year, and South Carolina a general act in 1696.

These laws were not favorably regarded in England. They were looked upon as encroachments upon the royal prerogative or the rights of parliament; and even in the colonies, the more strenuous loyalists denounced them as disregarding the navigation acts, and as tending to an undue increase of the inhabitants, thereby creating formidable antagonists to English industry, and nursing a disposition to rebellion. In 1715, the colony of New York passed an act for the naturalization of all foreign Protestants then inhabiting the province. The act was referred by the board of trade to Northey, the English attorney-general, who condemned this

mode of naturalizing "in the lump," but recognized the right of the legislature to naturalize particular aliens by name, after inquiring into each case specially; and thereafter down to 1773, some fourteen acts were passed, by which an immense number of aliens were naturalized by name. In 1740 an act was passed by the British parliament for the naturalization of foreign Protestants settled in the colonies of America. It required a residence there of seven years, without having been absent at any time for more than two months; and all naturalized under it, except Quakers or Jews, had first to receive the sacrament of the Lord's supper in some Protestant communion; and by an act passed in 1747, the benefit of the previous act was extended to the Moravian brethren, and other foreign Protestants settled in America, who had conscientious scruples against taking an oath. This was undoubtedly designed to supersede colonial legislation, but it did not have that effect. The long period of residence required was very objectionable in a new country, and the Catholics who had settled extensively in Maryland were excluded from its provisions. The colonial legislatures still continued to pass naturalization laws, and the difficulties growing out of the subject continued to increase until the separation of the two countries.

During the revolution, and until the adoption of the federal constitution, the power of naturalizing aliens was exercised by the states. The constitution of the state of New York, adopted in 1777, declared that it should be in the discretion of the legislature to naturalize all such persons and in such manner as they should think proper. The legislature enacted no general law, but continued to pass acts for the naturalization of persons by name down to the year 1790. Application was made by petition, and the names of all the petitioners whose requests were granted were included in one general act passed toward the close of each session. After the breaking out of the revolution, and especially after the independence of the United States was recognized by Great Britain, it became necessary both here and in England to determine who of those born in the colonies were to be deemed aliens. It was decided in the English courts that all persons of this class, adhering to the American government during the war and until after the treaty of 1783, ceased thereafter to be subjects of Great Britain, and were aliens; but in the American tribunals it was held that the colonies acquired all the rights and powers

of sovereign states when they declared their independence on July 4, 1776, and that the people of the respective states ceased upon that day to be subjects of Great Britain, and became members of the new social compact then formed; that none were excepted unless, within a reasonable time after that event, they had placed themselves under the protection and power of the government of Great Britain in such a way as to indicate an election on their part to remain in allegiance to that country. It was conceded by the tribunals of both countries that all persons born in the colonies, had a right upon the happening of such an event as the revolution, to elect to which government they would adhere; the point upon which they differed being that the English courts considered the date of the treaty of 1783 as the period when we ceased to be subjects, while our courts adopted as the era the day of the declaration of independence. In some of the states laws were passed soon after the declaration of independence, setting forth that all abiding in the state after that event, or after a certain specified period, and deriving protection from the laws of the state, owed allegiance to it. This was the case in New York, Massachusetts, Pennsylvania, and New Jersey. In other states no special laws were passed, but each case was left to be decided upon its own circumstances according to the voluntary acts and conduct of the party. It was also held that persons born in Great Britain who adhered to the American cause until the close of the war, became thereby American citizens; and that the natives of the colonies absent, and living under the protection of Great Britain at the declaration of independence, but who returned to the country before the treaty of 1783, and continued here afterward, were citizens. In Virginia it was declared by an act of the legislature, that natives of any state who had borne arms against the United States during the war had ceased to be citizens of that commonwealth. This question of the alienage or citizenship of those born in the country before or during the war became a very important one, as it involved the right of succession to landed property, and was a fruitful source of litigation, until ultimately settled by the tribunals of both countries.

In the articles of confederation, there was a clause declaring that the free inhabitants of each state should be entitled to all the privileges and immunities of free citizens in the several states; and as each state had the power of determining for itself upon what condition aliens should be ad-

mitted, and as in some of the states higher qualifications were required by law than in others, it was felt that great inconveniences would arise in the practical operation of this provision. A single state had the power of forcing into another any alien upon whom it might confer the right of citizenship, though declared to be disqualified by the laws of that state. One state had but to naturalize him, and then, by the effect of the clause in the articles of confederation, he became a citizen in every other, thereby making the law of one state paramount to that of the rest. No actual difficulty occurred, but the most serious embarrassments were likely to arise at any moment. This inevitable conflict of jurisdictions was pointed out by Hamilton in the "Federalist," and both he and Madison strenuously advocated the necessity of a uniform rule of naturalization for all the states. Accordingly, when the federal constitution was framed in 1787, a provision was inserted without debate conferring upon congress the power of establishing one uniform rule of naturalization throughout the United States; and at the second session of the first congress after the adoption of the constitution, on March 26, 1790, an act of the most liberal character was passed, authorizing the naturalization of any free white alien after a residence of two years under the jurisdiction of the United States, and of one year in the state where he applied for admission; and from that time to the year 1854, some fifteen acts have been passed upon the subject. In 1795 the period of residence was increased to five years, and a previous declaration upon oath by the alien of his intention to become a citizen, was required to be made before a court of one of the states, at least three years before the applicant's admission. In 1798 the residence was increased to fourteen years, with five years' previous declaration of intention. In 1802 the residence was reduced again to five years and the declaration of intention to three years; and in 1824 the declaration of intention was further reduced to two years.

Though the power to establish a uniform rule of naturalization had been conferred by the constitution upon congress, and congress had exercised it by the enactment of a general law, still it was supposed in some of the states that they had concurrent jurisdiction. It was decided in Pennsylvania that the states still had a concurrent power of naturalizing if they did not contravene the legislation of congress. In 1790 the legislature of Virginia passed a naturali-

zation law, differing from that of the United States. It conferred the right of citizenship upon all who came to the state with intent to reside, upon taking an oath of fidelity to that commonwealth; and provided further that any citizen might expatriate himself, and become absolved from his obligations, upon making a public declaration to that effect before a court of justice and departing from the state. But it was held by the supreme court of the United States in 1817, that the power to naturalize was vested exclusively in congress. The soundness of this decision was much questioned at the time, but it is now universally acknowledged to have been correct. But though no state can confer upon any alien all the rights and privileges of a citizen of the United States, it may grant him any civil or political privileges within its own jurisdiction not inconsistent with the laws of the United States; and in many, especially in the western states, aliens are allowed to hold land, to exercise the elective franchise, and to enjoy many of the privileges of citizens, a liberal policy which has contributed greatly to the rapid settlement of these states, and to their increase in wealth and prosperity.

The existing laws of the United States upon the subject of naturalization are to be gathered from many statutes, some of them relating to other subjects; and the want of one general act, in which the whole law should be embodied and clearly expressed, has been very much felt. The qualifications requisite, and the mode of obtaining naturalization, are at present (1860) as follows. The applicant must be a free white person, and must have resided in the United States for the continued term of five years next preceding his admission, and one year at least within the state or territory where the court is held that admits him. Two years at least before his admission he must declare on oath or affirmation, before a court of record having common law jurisdiction and a seal and clerk, or before a circuit or district court of the United States, or before a clerk of either of the said courts, that it is *bona fide* his intention to become a citizen, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name the prince, potentate, state, or sovereignty of which he is at the time a citizen or subject. This declaration is recorded by the clerk, and a certificate under the seal of the court and signed by the clerk that he has made such a declaration is given him, which is received there-

after as evidence of the fact. If the applicant was a minor under the age of 18 years when he came to the country, this previous declaration of intention is dispensed with, and he is entitled to be admitted after he has arrived at the age of 21 years, if he has resided five years in the United States, including the three years of his minority, and has so continued to reside up to the time when he makes his application, upon complying with the law in other respects.

There is some obscurity in this latter provision. Some have thought that the three years of minority, from 18 to 21, is all that can be allowed as a part of the five years' residence demanded by the act, and that one naturalized as a minor was not entitled to be admitted until he had arrived at the age of 23; but it has been decided in the New York common pleas (all the judges concurring) that he is entitled to be admitted at 21, if he had resided here since he was 15; that all that the statute requires is, that he must in every case have resided here between the ages of 18 and 21, and if he has done that, and also resided here two years before that period began, it is a residence of five years within the meaning of the act. When the applicant has completed the necessary residence, he must prove the fact before one of the courts previously named by other testimony than his own oath. One witness, if he knows the fact, is sufficient. If entitled to admission without a previous declaration of intention, the alien must declare upon oath, and prove to the satisfaction of the court that, for the three years next preceding his application, it was *bona fide* his intention to become a citizen; and every applicant must prove (which may be done by his own oath, unless the court should require other testimony) that he has behaved during the period of his residence as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same.

The mode of admission is as follows. The applicant goes to the clerk of the court, and exhibits the certificate of his having declared his intention. The clerk then prepares a written deposition for the witness, setting forth his knowledge of the applicant's residence and of his good character, and another for the applicant, declaring that he renounces all allegiance to every foreign power, and particularly that of which he is a citizen or subject, and, if he has borne any title of nobility, that he renounces it, and that he will support the constitution of the United States. The parties are

then taken before the judge, who examines each of them under oath; and if he is satisfied that the applicant has resided in the country for the requisite period, and is a man of good character, he makes an order in writing for his admission. The depositions are then subscribed by the parties and publicly sworn to in court in the presence of the judge; and the certificate of the declaration of intention, the depositions, and the order of the judge are filed, and constitute the record of the proceeding. A final certificate under the seal of the court, signed by the clerk, is then given the alien, declaring that he has complied with all the requisites of the law, and has been duly admitted a citizen, which certificate is conclusive evidence thereafter of the fact. In the case of a minor the previous declaration of intention is dispensed with, but in all other respects the course of procedure is the same. The record of naturalization, if regular upon its face, is conclusive as to the naturalization of the alien, and cannot be contradicted by extrinsic evidence. It may be set aside, however, if fraudulently obtained, by the court in which the alien was naturalized.

An alien who resided in the United States before June 18, 1812, and has continued so to reside, may be admitted without any previous declaration of intention; but in that case he must prove that he resided here before that period, and continued so to reside, and by the oath of two witnesses, who must be citizens, that he has resided within the limits and jurisdiction of the United States for five years immediately preceding the time of his application; and the place or places where he resided during these five years, and the names of his witnesses, must be set forth in the records of the court. Similar provisions respecting aliens who resided here at an earlier period were enacted, but they have now become obsolete by lapse of time.

A child born out of the United States is a citizen if the father was one at the time of the birth of the child, but the right will not descend to one whose father has never resided in the United States; and the minor children of persons naturalized, if the children are then dwelling in the United States, become citizens by the naturalization of the parent. It was formerly questioned whether this latter provision applied except to the children of parents naturalized before the passage of the act in 1802. Chancellor Kent, in his "Commentaries," inclined to the opinion that the act was prospective, and was designed to embrace the children of persons

who should thereafter be naturalized, and opinions to the same effect were expressed by many eminent jurists. But the point came up for decision in the court of chancery of the state of New York in 1840, in the case of children who were minors, living with their father in this country, when the father was naturalized in 1830, and whose right to succeed to his estate was denied upon the assumption that they were aliens. Chancellor Walworth decided that they were not aliens, but became citizens in 1830 by the naturalization of their father. After an elaborate examination of the legislation of congress, he held that the provision in the act of 1802 was prospective, so as to embrace the children of aliens naturalized after the passage of the act, as well as the children of those who were naturalized before. A decision to the same general effect was rendered by Judge Daly in the New York common pleas in 1847. In 1850 the point was again raised in Arkansas in a case of much public interest. The attorney-general of the state brought a writ of *quo warranto* to test the right of one Peck to exercise the office of sheriff, to which he had been elected, upon the ground that he was not a citizen. Peck relied simply upon the fact that his father was naturalized in New York when he was 11 years of age, and that he was at that time living with his father. The supreme court, after a very careful examination of the question and of the authorities, decided unanimously that Peck was a citizen. Another important question under this provision, is whether both parents should be naturalized to confer the right upon children. The importance of this question is greatly lessened in cases of naturalization after February 10, 1854, as congress on that day passed an act declaring "that any woman who might be lawfully naturalized under the existing laws, married, or who shall be married to a citizen of the United States, shall be deemed and taken to be a citizen;" but before that time the American courts had repeatedly held that a wife who was an alien did not become a citizen by the naturalization of her husband. In the case before Chancellor Walworth, and in the one in Arkansas, the naturalization of the father was all that was shown. The attention of the court, however, was not called to the point; but in several other cases where it has been raised incidentally, very eminent judges have declared that the naturalization of the father is all that is required, and Chancellor Kent in his "Commentaries" has expressed himself to the same ef-

fect. These two questions are of great practical importance, as vast numbers of persons since the enactment of this provision have inherited, purchased, and transmitted real property upon the assumption that they were citizens by the naturalization of their fathers, whose rights, and the rights which others have derived from them, would be disturbed if a different construction were now given to this provision; and although these two questions have not been decided by the highest authority in this country, the supreme court of the United States, it may nevertheless be assumed, from the decisions that have been rendered, from the concurring opinions of many eminent jurists, and from reasons of public policy, that they are now settled, and the construction above stated universally acquiesced in. A doubt may arise whether the act of 1854, the language of which has been already quoted, applies to a woman who married before her husband was naturalized. She is, after her husband's naturalization, married to a citizen, but she did not marry a citizen. If the language had been, any woman who has married or who shall be married to a citizen, there would be little room for doubt; but the words are "married, or who shall be married to a citizen," which may be construed either way. In many countries a foreign woman, by marrying a native, acquires the status of her husband. This is the case in France, but it is the act of marriage, the espousing of a Frenchman, that confers the nationality, the words of the Code being: "L'étrangerè qui aura epousè un Francais suivra la condition de son mari."—Code Civil, Liv. 1. Tit. 1. § 12. It was probably not the intention of the framers of the act of congress to recognize such a distinction, nor their design that the act should have such a limited effect; but it would be better, to avoid any question in such cases, for the woman to be naturalized. If an alien who has declared his intention die before he is naturalized, his widow and children may become citizens by simply taking the oath required of all naturalized citizens to support the constitution of the United States, and to renounce all previous allegiance. In this case the period of residence of the widow and children is immaterial, nor is any distinction made between minor children and adults.

In certain cases aliens are disqualified from becoming citizens. No alien can be admitted while his country is at war with the United States, nor can one be admitted who was legally convicted of having joined the British army

during the American revolution, or who was proscribed by any state before 1802, unless with the consent of the state.

By the terms of the law also, none but "free white" persons can be naturalized. This is supposed to exclude all that can be denominated colored races, the copper-colored natives of America or Indians, the African races, and the yellow races of Asia. In the celebrated Dred Scott case, decided by the supreme court of the United States in 1856, it was declared that the American Indians were not citizens, but independent tribes living under the protection of the United States; that the Africans imported into this country and their descendants were not the people by whom the government of the United States was established, but a separate and subjugated race dwelling here, who were never intended to be embraced under the denomination of citizens; and that when the right of naturalization was surrendered by the states and confided to the federal government, it was supposed and meant to be confined to persons born in a foreign country under another government, and was not intended as a power to raise to the rank of citizens inferior races born here, such as Indians, negroes, and mulattoes. Upon this latter point the judges differed in opinion, but all of them appear to have conceded that under the existing act of congress none of this class can be naturalized. Indians, however, have been admitted to the rights of citizenship by special treaties. This was done by art. 14 of the treaty with the Choctaws of Sept. 27, 1830, and by art. 12 of that with the Cherokees of May 23, 1836; and in the treaties by which Louisiana, Florida, and California were acquired, persons of the mixed Indian and African races beame citizens. In the case of the mixed races, a delicate and very difficult question arises as to the degree of mixture or shade of color that will disqualify. In several of the states, one having African blood in the degree of one fourth is not regarded as a white person. This appears to be the case in Virginia, Indiana, North Carolina, and Kentucky. In Alabama, persons descended from negro or Indian ancestors to the fourth generation are not considered as white, even though one ancestor in each generation may have been white; but it has been held in that state that the offspring of a white mother by a mulatto father is neither a negro nor a mulatto. In Georgia and Louisiana, if the admixture does not exceed the proportion of one eighth, the person is white; and this was the rule in the *code noire* of France. In South

Carolina, a distinct and visible admixture of negro blood is sufficient to disqualify, and this is to be determined upon the evidence of features, complexion, and parentage. In Ohio, persons nearer white than black, that is, all having more than one half white blood, are deemed white. No general rule therefore exists on this subject; and a man either one eighth or one fourth of African blood, who in South Carolina and Georgia would be deemed a mulatto, might be regarded by the courts of Ohio as of the white races and entitled to be naturalized. In Wisconsin, civilized persons of Indian descent, not members of any tribe, enjoy the same political privileges as white citizens; and in the courts of California it has been held that a Chinese is not a white person within the meaning of the act of congress, and cannot be naturalized.

The residence required by the naturalization laws is a permanent abode in the country; and when that is established or begun, it will not be affected by a temporary absence upon business or pleasure, if the intention to keep up the residence here and return has always existed, and no residence has been established elsewhere. Formerly the words of the statute were: "without being at any time during the said five years out of the territory of the United States;" but this very stringent and absurd provision was repealed in 1848. A man's residence may be defined to be the place where he abides with his family, or abides himself, making it the chief seat of his affairs and interests. In the case of seamen, they are assumed to have complied with the conditions of the law if they have sailed exclusively in vessels belonging to the United States for the continuous period of five years, and have continuously shipped at least for the period of one year out of some port of the state where the court is situated in which they are naturalized. This is the established practice of the courts of the city of New York, where large numbers of seamen are naturalized annually.

On the question of the right of a naturalized citizen to expatriate himself and renounce his allegiance to this country, there is diversity of opinion. The more recent opinions are, that he may if he changes his domicile. It was held in New York that he could not expatriate himself if he continued to reside in this country. The case was that of an Englishman naturalized here, and who, being afterward appointed consul for Spain for the port of New York, took an oath of allegiance to the king of Spain, and claimed to be

a Spanish subject. It was held that he remained subject to the duties and obligations of a citizen of the United States.

No statistics are preserved of the number of persons naturalized annually in the United States; but some idea of the extent to which the right has been conferred, may be formed from the number of persons naturalized in the city of New York. During ten years, from 1850 to 1860, the number admitted in the superior court and court of common pleas, the two tribunals where nearly all applications are made, has been over 60,000. The largest numbers have been admitted in the years of the presidential election. The statistics of the court of common pleas for the last five years are as follows: 1855, 3,200; 1856 (presidential year), 6,684; 1857, 5,580; 1858, 3,110; 1859, 2,880.

In Great Britain, prior to 1844, naturalization could be effected only by act of parliament. Originally it conferred all the rights of a natural-born subject, but by an act dictated by the jealous policy of the government upon the accession of the house of Orange, passed in 1701, it was declared that no one, though naturalized, should be of the privy council or a member of parliament, or hold any office civil or military, or be allowed to receive any grant of land from the crown. It was of course within the power of parliament to grant these privileges specifically in any act, but it was declared that no bill should be received in either house without this disabling clause. To be consistent with this provision, and yet obviate its effect, the course pursued upon the naturalization of Prince Albert, the queen's consort, in 1840, was first to pass an act repealing the provision so far as it applied to him, and then an act giving him the same rights as if he had been born in England. As before stated, the king might grant letters of denization conferring certain limited rights, in the exercise of his royal prerogative. This practice, the origin of which may be traced to the exercise of a similar power by the dukes of Normandy, existed as early as the reign of Henry II. That monarch granted charters of denization to particular persons of Irish descent, conferring upon them and their posterity all the privileges of English subjects. A large number of these charters were granted to this class of persons afterward, and appear to have been very easily obtained. The Norman rule having greatly paralyzed the industry of England, Edward III., in the beginning of the 14th century, encouraged German and Flemish artisans and other foreigners to settle in the country. Companies

consisting for some time wholly of foreigners, who were known as the merchants of the staple, carried on the trade in wool; and Italian companies, known as the Lombards, managed and monopolized the trade of the East. To all of this class special privileges were granted, either by charter or by letter of denization, which, it would seem from the preamble of an act passed in the reign of Henry VIII., made them as free as Englishmen born within the king's dominion. Though contributing greatly to the wealth and prosperity of the country, they were always regarded by the body of the people with great jealousy; and the popular clamor against them and their privileges reached in the reign of Henry VIII. to such a height as to break out in formidable riots, and cause a total change of policy on the part of the government. Laws were enacted imposing restrictions and burdensome duties upon aliens. In the reign of James I. there was a great influx of foreigners from the Low Countries, and the king was urgently petitioned to adopt exclusive measures against them. He acquiesced to some extent; but so far from sympathizing with the petitioners, he curtly referred to the industrious habits of the strangers as something from which his people might take example. In the reign of Charles II. the policy of the government became more liberal, and an act was passed inviting aliens to settle in the country, and engage in certain trades, with an offer of the privileges of native-born subjects; and in the reign of Anne, as before remarked, an act was passed for the naturalization of all foreign Protestants, commencing with the preamble: "Whereas the increase of a people is a means of advancing the wealth and strength of a nation;" but the clamor against it was so great, especially on the part of the city of London, that it was repealed three years afterwards, in 1711, by an act with a counter preamble, declaring "the inconveniences and mischiefs it had produced to the discouragement of the natural-born subjects of the kingdom, and to the detriment of its trade and wealth." The practice of granting letters of denization however continued during all this period, but the privileges were more limited. A denizen was, in fact, in a kind of middle state between an alien and a naturalized subject. He could not take lands by inheritance, nor enjoy any immunity in foreign trade, until after he had resided seven years in Great Britain; and was subject to the same restrictions as to holding office, &c., as naturalized subjects. An exception was made in the reign of George II. in favor of seamen. Any

foreign seaman serving thereafter for two years, in time of war, in a British ship, became thereby a naturalized subject.

In this state the law remained until the reign of Victoria. Great desire having been expressed for more liberal enactments, the subject was referred to a committee of parliament, who made an elaborate investigation, and a law was passed in 1844, defining the privileges of aliens upon some questionable points, and providing for the naturalization of all aliens residing in or coming to Great Britain with intent to settle. By the provisions of this act, any alien may address a petition to the secretary of state for the home department, stating his age, profession, or occupation, the period of his residence, and the ground upon which he desires to be naturalized. The secretary of state is required to investigate the circumstances of each case, to receive all such evidence as may be offered, or as he may desire, and if he think it fit, he may grant the applicant a certificate admitting him to all the rights and capacities of a natural-born subject, except the capacity of being a member of the privy council or of parliament, upon his taking the requisite oaths; and the secretary may add any other restrictions he thinks proper. The applicant must then take the oaths of abjuration, supremacy, and allegiance, before one of the judges of the higher courts or before a master in chancery, and within sixty days thereafter the certificate must be enrolled in the court of chancery. The original certificate, after being enrolled, is duly certified by an officer of the court, and returned to the applicant as the evidence of his naturalization. Before the act of 1844 the number of persons naturalized annually in England was about eight, and the number who obtained letters of denization about twenty-five. In 1847 a law was passed declaring that the act should not apply to any of the British colonies, and expressly recognizing the right of the colonial legislatures to enact their own laws upon the subject. The act of 1854 was also modified in 1858, so as to enable Jews to take the oath; and an act was passed in 1848, empowering the secretary of state or the lord lieutenant of Ireland to order any alien not a resident for three years to quit the nation, but it was of temporary duration, and no case occurred under it.

In the various colonial dependencies of Great Britain the right has been very generally exercised by the local governments of naturalizing foreigners, at least to the extent of conferring upon them all the privileges of British subjects

within the particular colony. In 1828, the legislature of Upper Canada passed an act declaring all then residing in Canada British subjects who, if they had not already resided there seven years, should complete a residence there for that period, upon their taking the oath of allegiance ; and an act essentially similar was shortly after passed by the legislature of Lower Canada. In 1841, a general law was enacted conferring naturalization after a residence of seven years. In 1849, an act was passed, applicable to both provinces, declaring that all who had fixed their abode in Canada before 1841, might become British subjects, upon taking the oath of allegiance. In 1854, the period of residence was reduced to five years, and in 1858 to three years. By the present law, as finally revised in 1859, any alien residing in Canada before the 18th of January, 1849, or who after that date came to any part of Canada with intent to settle, and has resided there for the continuous period of three years, may be naturalized. He is required to take the oaths of residence and allegiance, the forms of which are prescribed by law, before a justice of the peace of the city, town, or parish in which he resides ; but in the case of a female the oath of allegiance is dispensed with. The certificate of the justice that the requisite oaths have been taken must be presented to the court of quarter sessions, or to the recorder's court of the city or town where the alien resides, or if in Lower Canada, to the circuit court of the circuit where he resides, on the first day of the general sitting of the court. The certificate must be publicly read in court, and if between that day and the day of the final sitting the certificate of residence is not controverted, nor any valid objection made, the court directs it to be filed of record, whereupon the alien is admitted to and confirmed in all the rights and privileges of a British subject, to all intents as if born in the province, and a certificate of naturalization given to him, under the seal of the court, signed by the clerk. The rights conferred are to be enjoyed within the limits of Canada, according to the intent of the act of the British parliament of 1844, previously referred to ; and any woman married to a native born British subject, or to one naturalized under the existing or any of the previous laws, is to be deemed naturalized, with all the rights and privileges of a native born British subject. In Nova Scotia, aliens may be naturalized by an act of assembly, in conformity with the act of 10 and 11 of Victoria, the act of 1844, before referred to, upon taking and subscrib-

ing an oath of allegiance before a judge of the supreme court, in open court, who is required to attest the same. The oath is taken in duplicate, is filed with the officer of the court, and a certificate of the fact is given as evidence of the alien's naturalization. In New Brunswick, seven years' residence in the province is necessary, and the alien is naturalized simply upon taking an oath of the fact of his residence, and of allegiance, which must be administered by a judge of the supreme court; and every woman married to a native born or naturalized subject, is deemed entitled to and has all the privileges of a British subject.

In some of the British colonies naturalization is granted by the governor alone; in others it is regulated, as in Canada, by local laws. The effect of naturalization by the local government of a colony or country forming part of the dominions of the crown of England, was considered in a case arising in the reign of Charles II., Craw against Ramsey, reported in Vaughan's Reports. It was declared in that case, that a person naturalized by the parliament of Ireland, or naturalized in Scotland, Scotland at that period being an independent kingdom, connected with England only by the circumstance that the crowns of both kingdoms centered in the one person, did not thereby become a naturalized subject in England; that the effect of such a naturalization did not extend beyond the limits of the country where it was conferred, and that this applied to all the colonies or dependencies of the crown of England. It was also held in two cases before the privy council, in 1834 and 1837, one of which arose in the island of Mauritius, and the other in Canada, that the status or political condition of a person resident in one of the British dependencies was to be determined by the law of Great Britain, but that the rights or liabilities which attached to it, when ascertained, depended upon the law of the particular colony.

The policy of France upon this subject has been restrictive, which may be traced in a great degree to the unfavorable influence exercised by foreigners at various periods of her history. Many Italian adventurers were naturalized in the reign of Charles VIII., but their characters were so worthless that their certificates of naturalization were annulled by his successor Louis XII. in 1499. At the time of the league great numbers of naturalized Spaniards and Italians mingled in public affairs, and gave such offence, especially as a branch of the clergy, that a law was passed in 1579 prohibiting foreigners from

holding ecclesiastical offices. Their participation in the civil administration of the state reached its climax when the notorious Italian Concini, the *protégé* of Maria de' Medici, became a marshal without ever having drawn a sword, and minister, ruling with capricious insolence a people of whose laws he was ignorant. After his tragical end, an act was passed in 1629, debarring foreigners from holding a seat in the administration; and the mischief wrought by Mazarin and his foreign camarilla led to a still more stringent law in 1651. No material change took place until the revolution, when in 1791 the legislative body was authorized to naturalize foreigners upon the condition that they fixed their residence in the country, and took an oath of allegiance. In 1793 a law was enacted admitting all to the rights of French citizens domiciled in the country one year, over the age of 21, who supported themselves by their labor, or acquired property, or who should marry a native, or adopt a French infant, or support an aged person, and all others whom the legislative body regarded as meriting well of humanity. In 1798 a residence of seven consecutive years was made necessary; and as the country gravitated toward monarchy in 1800, the residence was extended to ten consecutive years. In 1803 the residence was reduced to one year, if the alien had rendered important service to the state by his talents, inventions, useful industry, or by forming large establishments therein. In 1808 it was provided that naturalization upon the ground of important services to the state, thereafter known as *la grande naturalisation*, should be conferred by a decree ratified by the council of state. In 1809 it was decreed that a foreigner desiring naturalization, and who had completed a residence of ten years, should make application to the mayor of the petitioner's domicil; that the mayor should transmit the request with the evidence to support it to the Préfet, who in turn should send it with his opinion to the minister of justice, who was empowered to grant letters of naturalization; and by a decision (un avis) of the council of state of the same year, naturalization cannot be granted until after ten years of domicil, under and by the permission of the government. In 1814 it was declared that no naturalized subject should be eligible to a seat in the legislative chambers, unless he had received the grand naturalization. After the revolution of 1848, the term of residence was reduced to five years; but in the following year, 1849, the previous legislation was restored.

As the law now stands, the grand naturalization after the residence of a year, in the cases already mentioned, is conferred by a decree of the emperor, ratified by the senate and the *corps législatif*. In other cases the alien must be of the age of 21, must have resided in France for ten consecutive years under the authorization of the government, have declared his intention of fixing his residence there, and the application must be made in the manner provided for by the decree of 1809 before referred to. A child born in France of foreign parents, or the child of French parents born abroad, may reclaim the rights of citizenship in a year after he arrives at his majority, if he resides in France and declares his intention of there fixing his domicile, or if, residing abroad, he makes a similar declaration and establishes himself in France within the year that he makes his declaration. A foreign woman marrying a native becomes a French subject, and a French woman marrying a foreigner follows the condition of her husband; but becoming a widow, she recovers her nationality if living in France, or if she returns to it with the authority of the emperor, and declares her intention of fixing there her residence. A foreigner living in France enjoys the same civil rights that are accorded to Frenchmen in the country to which the foreigner belongs. Citizenship is lost by naturalization elsewhere, by accepting office or a pension under another government without the authority of the emperor, or by so establishing one's self abroad as to indicate an intention not to return; but dwelling abroad for commercial purposes does not have that effect. Citizenship may be recovered by renouncing the foreign office and domicile, on due application to the state, upon declaring an intention to fix a residence in France and renouncing all distinctions contrary to its laws. A difference is recognized since 1823 between letters of naturalization and letters of nationality, the first conferring a new right, the latter merely restoring a right that was lost or in abeyance. All Frenchmen, whether naturalized or holding office abroad with the consent of the emperor, who are taken bearing arms against France, suffer the penalty of death; it constitutes no exemption that they were serving in obedience to the laws of their adopted country. Not only in this provision, but upon naturalization of foreigners generally, the policy of the government is in practice very illiberal. In 1852 a difficulty arose between the governments of the United States and France, upon the claim of the latter to

compel a Frenchman, naturalized in the United States, to serve in the French army. At the earnest remonstrances of the American minister, the case was investigated by the French minister of war, and he was of opinion that the claim of the government of France could not be supported, but he left the matter to be determined by the judicial tribunals. The question afterwards came before the French courts in the case of two natives of France, naturalized in the United States, who, upon their return to their native country, had been compelled to enter the French army, and after a full examination of the whole subject, it was decided that as France recognized the right of expatriation, it followed as a consequence that it could have no claim upon a native of France, who by naturalization became the citizen of another country. That by being naturalized a Frenchman changed his allegiance, and lost his native character, and could not, on returning to France, be compelled to serve in the army, or perform the obligations required of a French subject or citizen. The decision was approved by the imperial government, and the men were discharged.

In Belgium naturalization is granted by a legislative act. It is of two kinds, grand and ordinary. The first is conferred only where eminent services have been rendered to the state, and the person to whom it is granted is placed in every respect upon an equality with a native. The second naturalization, *ordinaire* or *petit*, admits to every privilege except the exercise of those political rights which are reserved for the grand naturalization. In contradistinction to France, the policy of the Belgian government on this subject is distinguished by great liberality.

In Holland, by the fundamental law of 1848, a foreigner can be naturalized only by an act of the states-general, approved by the king. In neither Holland nor Belgium is any stated period of residence demanded, or any other special condition required, and citizenship in both may be lost for the same causes as in France, and restored in the same way.

In Sweden, by a law passed in 1858, an application must be made by petition to the king, accompanied by proof of the age of the petitioner, his religion, his native country, the time of his immigration, the places where he has resided in Sweden, and his general good conduct. He must be 21 years of age, of good character, a resident of Sweden for three years, must have the means of supporting himself, and must not be of the Roman Catholic religion. If he has been pre-

viously admitted into the service of the state, or is known as a man of more than ordinary ability in the arts or sciences, or in the industrial pursuits of agriculture or mining, or if for other reasons it is considered that his adoption as a Swedish subject would prove useful to the state, the three years' previous residence may be dispensed with. If all these conditions are duly proved to the satisfaction of the authority to whom his application is referred by the king, he may be naturalized upon taking the oath of allegiance; and if a native of a country which does not admit a renunciation of allegiance, he must in taking the oath renounce in writing all rights and political privileges he possessed in his native country.

In Norway naturalization is granted by the *storthing*, the national legislative assembly, in which this power is exclusively vested, the assent of the king in this case not being necessary.

In Denmark a petition must be addressed to the president of the *rigsraad*, the council of state under the constitution of 1857, with a certificate of two citizens that the petitioner has resided one year in the country. An act is then passed by the *rigsraad*, declaring that the petitioner may reside and trade in the kingdom with all the rights and subject to all the duties of a native-born subject. It must be approved by one of the ministers and receive the sanction of the king, and the privilege is almost invariably granted as a matter of course whenever applied for.

In Russia, by the fundamental law of the Empire as embodied in the last revision of the code in 1857, all foreigners except Jews may be naturalized upon taking the oath of allegiance. This oath must be taken before the provincial court in the language spoken by the applicant, and in the presence of a clergyman of the religious denomination to which the foreigner belongs. The oath is to the effect that he will be faithful to the Emperor and to the heir apparent or Grand Duke, and that he will never leave the country without permission, nor enter into any foreign service. When the oath is taken, duplicate copies are signed and sealed by the alien, one of which is deposited in the provincial court and the other transmitted to the imperial senate authenticated by the signature of the officiating clergyman. Within nine months after the oath is taken the foreigner is bound to enter into one of the existing classes of the Empire, and enjoys all the rights and privileges of the class to which he belongs, and all

the rights of a native of Russia. The oath of allegiance is the only condition required to effect naturalization, and the foreigner applying may be naturalized with or without his children; but if the applicant is a subject of Austria it is required, in conformity with treaty stipulation, that certain regulations of the Austrian government be read to him, that it may be ascertained if he comes within these regulations. If a Jewish woman who is born in Russia marries a foreigner, she can after the death of her husband apply to the imperial government and be restored to her former nationality. Though a native of Russia is held in perpetual allegiance, and can never lawfully renounce it, the right of a naturalized subject to do so is expressly recognized. He may be released from the obligation of his oath and restored to his former condition, upon selling all his landed property before he quits Russia, paying all his debts to the state, paying the tax of his class for three years in advance, and by the further payment into the imperial treasury of the stipulated tax upon all personal property which he takes with him out of the country. Before 1859, foreigners engaged in commercial pursuits were not allowed to continue their business for a longer period than ten years, unless they entered one of the guilds, of which there are three grades according to the tax which is to be paid; but by a ukase promulgated in 1859 this restriction has been altogether removed.

In the states of the Germanic confederation, in conformity with a provision in the federal constitution of Vienna of 1815, the citizen of one German state is entitled to reside in another and do business, if he has ample means to live in his new residence, without becoming a burden, and is a man of good character. In any one of the states he may be naturalized, as a general rule, if his own government has released him from his allegiance or allowed him to emigrate, if he has discharged all his obligations in his own state, such as paying his debts and fulfilling his military duty, and is of good character. The same conditions apply in the case of aliens from other countries, except that they are not required to show that they have fulfilled all their duties in their native country. Application must be made in writing to the council of the city or village where the applicant resides, showing that he comes within the above requirements. His petition is closely scrutinized, and if favorably regarded it is sent with the report of the council to the highest authority in the state, and

a diploma is transmitted signed by the minister of the interior, and given to the petitioner upon the payment of a trifling charge. If the petition is unfavorably regarded by the council, it is sent back with notice that it is denied without assigning any grounds, but the reasons may be learned upon application. An appeal may be taken to the provincial government, but is of little value, as the decision of the local authorities is almost invariably affirmed.

In Austria a foreigner acquires the rights of citizenship if employed as a public functionary, but not by mere admission into the military service, nor by receiving a title of distinction or honor, but is treated as a citizen if maintained by the government on account of military services. The right may be conferred by the superior authorities upon an individual after ten years' residence without interruption, upon proof of the fact and upon taking the oath of allegiance. The authorities, however, may grant it before the expiration of that period upon proof of good moral character and of the applicant's ability to support himself; and foreigners acquire the rights of citizens by entering into business requiring a permanent residence; the temporary possession of a farm, however, of a house or other real estate, or the mere establishment of a manufactory, or a commercial business, or a partnership, does not confer the right. Citizenship is forfeited by emigration. Marriage with an Austrian confers citizenship upon the wife.

In Prussia, by a law of 1842, the superior administrative authorities are empowered to naturalize any stranger who satisfies them of his good conduct, certain exceptions being made with regard to Jews, minors, persons incapable of disposing of themselves, and subjects of other states of the Germanic confederation. As in Austria, citizenship is acquired by nomination to a public office, or by the marriage of a foreign woman with a Prussian, and lost by emigration or accepting office in foreign states.

In Bavaria, by the law of 1818, citizenship is acquired by the marriage of a foreign woman with a Bavarian, by a domicile taken up by one who gives proof of his freedom from personal subjection to any foreign state, after a residence of six years, and by royal decree; and it is lost by citizenship in a foreign state without special permission, and by emigration.

In Würtemberg it is obtained by appointment to office, or by acquiring landed property in or near the city or commune where the foreigner has, with the consent of the local authorities, established his residence. He can then apply to

the government for the *Staats Bürgerrecht*, which confers all the privileges and subjects him to the obligations of a native. He may fill any office if he is of the Christian religion, and citizenship is lost by accepting office in a foreign state and by emigration.

In Hanover the conditions are five years' residence in a commune with the approbation of the mayor or bailiff, an irreproachable character, and sufficient means of subsistence; or the right may be obtained by the purchase of a residence or a freehold in any commune, or by the consent of the state, or by holding office under government. A foreign woman married to a native, or a foreign child adopted by one, becomes a subject.

In Saxony it is necessary to have had a domicile in a district for five years with the consent of the local authorities, or to have owned real property for that period, or to have obtained the freedom of a city; and the alien must have resided in the district, or upon his property, or in the city conferring its freedom, for five years.

In the Hanseatic towns but few conditions are imposed. In Bremen resident foreigners of good character are admitted to citizenship upon the payment of $40; and if the foreigner intends to settle as a master mechanic he must be admitted a member of the appropriate guild. If he designs to engage in commercial pursuits, a payment of about $400 is required. In Hamburg there are two classes of citizens, the *gross bûrger* and the *klein bûrger*, the former enjoying certain commercial privileges, and for admission to either class a fixed sum is paid, which is less in amount if the applicant is a native of Hamburg; a declaration of intention must be made a few weeks beforehand, and notice must be published in two of the daily newspapers up to the time of admission. In Lübeck persons of a good character, who have the means of supporting themselves, may become citizens after residing sufficiently long to indicate an intention to fix there their permanent residence. In Frankfort-on-the-Main citizenship is conferred for public service, and otherwise obtained if the government is satisfied as to the good character and ability of the person to support himself. When admitted in any of these free cities, the citizen's or burgher's oath is taken, equivalent to an oath of allegiance.

In Switzerland, even a native is regarded as a vagrant or a man without a home, and chased from canton to canton, unless he is a citizen of some commune, which is obtained

upon the payment of the requisite fee into the treasury of the commune. In the case of foreigners, naturalization is granted by the legislature in some cantons, in others by the executive; but as there are no less than twenty-five cantons, each having its own law upon this subject, and most of them differing from each other, it has been found exceedingly difficult to obtain an accurate statement of the particular regulation existing in all of them, which even if obtained would involve a detail altogether too extended. It may be said, however, as a general rule, that no period of residence or qualification is necessary, but the cantons are generally jealous of foreigners and disposed to be exclusive. This is especially so in the poorer or more democratic cantons. In Ticino full citizenship is not obtained until five years after naturalization; but in Bern, Vaud, Zürich, Geneva, and most of the cantons, it is conferred when the alien is naturalized. A citizen of any one of the cantons is on an equal footing with those of any other. He may reside, do business, and enjoy every civil and personal right, but not political rights.

In Portugal an application must be made to the king through the secretary of foreign affairs, which is referred to the council of state. The applicant must be over 25 years of age, have resided in the country two years, and have the means of subsistence. The residence for two years is dispensed with upon proof that he has married a Portuguese, or been useful to the state by embarking in commerce, improving any branch of the arts, or introducing any new trade, manufacture, or invention, or by opening or improving a public road; and they are generally dispensed with in the case of mariners, as it has been the constant policy of Portugal to encourage foreigners to enter and augment its marine.

In Spain, by the ancient law of the realm, no foreigner could be naturalized. The constitution of 1837, however, included in its classification of Spanish subjects those who should receive letters of naturalization, and provided for the enactment of a law declaratory of the conditions upon which such letters would be granted. The present state of the law appears to be unsettled or difficult to ascertain. All that can be gathered is that five years' residence it is believed is necessary, that the applicant must be of the Roman Catholic religion, and that the right of a Spanish subject to renounce his allegiance is recognized by law.

In Sardinia any person who has resided in the country five years, and has purchased real estate and engaged in a

useful commercial business, may apply to the minister of justice to be naturalized. The application is referred to the councillors of state, and if they report favorably letters of naturalization are granted, which must be signed by the monarch. These conditions must be complied with in every case; even the king has no power to dispense with them. In the Papal States, the pope may naturalize any person he thinks proper. It is a power, however, but rarely exercised. The usual course is to grant it after five years' residence, in cases where the applicant has purchased real estate or has engaged in some useful commercial business. In the Neapolitan dominions, previous to the changes consummated in 1860, the king, as in the Papal States, naturalized whom he thought proper; but the exercise of the power was very unusual. The general mode was the same as in the Papal States. In Naples and the Papal States none could be admitted but Catholics; but in Sardinia no distinction is made on the ground of religion. The policy of the several Italian states and the disposition of the Italian people is averse to naturalizing foreigners. Every case, even in Sardinia, is closely scrutinized. In 1850, in consequence of extensive emigrations into Sardinia from Lombardy, Naples, and the Papal States, a special act was passed dispensing with the qualification of residence in respect to this class of Italians; but the law has since been repealed. In the little republic of San Marino, naturalization is granted without residence on the payment of $10, the republic engaging to give protection for three weeks to any naturalized citizen taking refuge there, and the number availing themselves of this species of naturalization is said to exceed the resident population of the state.

In Greece, by a law passed 15th of May, 1835, any foreigner may become a Greek citizen by making a declaration of his intention before the authorities of the deme in which he resides, and after a continued residence in the country for three years from the day when he declared his intention. Upon the expiration of the three years he is naturalized by taking an oath before the prefect of obedience to the laws and of fidelity to the king. From the period of declaring his intention he enjoys all civil rights, and Grecian citizenship may be conferred without expense upon any foreigner who has rendered distinguished service to the state. Any person born in Greece of foreign parents may, when arriving of age, become a Greek citizen by declaring his intention to make Greece his permanent home, and registering his name in a

deme, or, if residing abroad, by making a similar declaration, and returning within one year thereafter to Greece and registering his name as above. Every one born abroad of a Greek father is a citizen of Greece, or if the father has lost his nationality, the son may become a citizen by making the declaration and registering his name as above stated. Every foreign woman married to a Greek has the Greek nationality, and a Grecian woman marrying a foreigner follows the political condition of her husband; but when a widow she may, if residing in Greece, recover her former nationality; or if living abroad, upon her returning to Greece to reside permanently. This law declares Greek citizens to be those born in the kingdom and of parents having the Greek nationality, and those who have acquired it by declaring their intention to become citizens; and that the nationality is lost by becoming citizens of a foreign country, by bearing arms against Greece, or by entering the civil or military service of other nations without special permission from the king, or by a citizen establishing himself abroad in a manner indicating an intent not to return, but no such intent is to be inferred simply from the fact that a citizen has established himself in another country for commercial purposes. The 3d article of the constitution of 1843 defines citizens (πολιται) to be those who have acquired or may acquire the characteristics of a citizen according to the laws of the kingdom; and the national assembly that formed the constitution passed a decree, to be of the same force and effect as if incorporated in that instrument, by which it was declared that the government should neither retain nor appoint to places in the public service those who were not embraced in the following classes: 1, the native inhabitants of the Greek state, and those who took part in the struggle for independence to the end of 1827, or who came to Greece and remained there until the end of that year, and those who took a military and decisive part in battles with the enemy by sea or land up to 1829; 2, those inhabitants and combatants of continental Greece or of the islands, who took up arms in the war of independence, and who up to 1837 came and established themselves in one of the demes (districts) of the kingdom; and the descendants of the above classes. Those who established themselves in the kingdom between 1827 and 1833, are declared eligible in two years after the publication of the constitution of 1843; those who established themselves between 1832 and 1838, after three years; and those from

1837 to the end of 1843, the period of the framing of the constitution, after four years. In addition to this, by a law subsequently passed, a Greek by birth, though not a native of the kingdom, who possesses a property qualification of 100,000 drachmas (equivalent to $16,000, a large fortune for Greece), may be elected a member of the βουλη (chamber of representatives) if he has resided six years in the country, and three years in the province for which he is chosen. Whether there has been any legislation upon the subject of naturalization since the adoption of the Constitution of 1843, we are not informed.

In Turkey the population are divided into two great classes, the Turks or Mohammedans, the ruling race, and the Rayas, denominated "the flock," who with the exception of some few tribes are Christians or Jews. The Rayas are organized in distinct communities, having their own municipal regulations, as Armenians, Bulgarians, Bosnians, Servians, Latin Christians, or Jews, under a recognized head, as a bishop, patriarch, or other ruler, who is responsible to the sultan for the good conduct of his community. Resident foreigners may become members of one of these communities with the consent of the body, upon giving due notice to the Porte, and when admitted are entitled to the privileges and bound to the obligations of Turkish subjects. Foreigners, not members of one of these communities, are aliens and under the protection of their respective consuls. The Mohammedans enjoy greater privileges than the Raya communities, and foreigners of whatever creed or nation may be received into this class upon embracing Mohammedanism. Their naturalization is both a civil ceremony and a religious rite. It consists in going first to the Porte or the executive authority representing it in the provinces, in putting on the fez cap, and making a public declaration of faith in the words: "There is no God but God, and Mohammed is his prophet;" and then repeating the same ceremony in the mosque. Circumcision is also required; and when these conditions have been fulfilled, the proselyte is invested with all the rights of a native-born Mohammedan subject. In Egypt, Persia, and throughout all the Mohammedan countries, naturalization is effected in the same way, either by embracing Mohammedanism or by being formally admitted a member of one of the other organized communities.

In the European states, with but a few exceptions which have been mentioned, a naturalized foreigner enjoys every

civil and political right, and may hold the highest office. In all of them naturalization is a thing of rather unusual occurrence, the number of foreigners who become permanent residents in any one of them being very limited. Those who do are chiefly devoted to commercial pursuits; and as naturalization, as a general rule, is not essential to enable them to carry on trade or commerce, it is not generally applied for.

In the different West India islands belonging to European powers, twenty-three of which belong to England, six to France, four to Holland, three to Denmark, two to Spain, and one to Sweden, the authority to naturalize is generally either vested in the sovereign or his representative, or regulated by a local law. In the island of Cuba, by the Spanish ordinance of Oct. 21, 1817, the captain-general may grant letters of license for domiciliation to all resident foreigners, upon their taking an oath of fidelity and submission to the law. These letters entitle them to hold real and personal property, and to the same protection in their persons and property as Spanish subjects; but for the first five years of domiciliation they cannot engage in trade, open a shop, or become owners of ships or vessels, unless in partnership with Spanish subjects. After five years of domiciliation they can become naturalized. They must present their original letter of license to the captain-general, and avow their intention to make the island their perpetual residence; and if it appear after due inquiry by the government that they have resided constantly on the island for five years, and are of good moral character, letters of naturalization are granted to them after they have sworn fidelity to the Roman Catholic religion, to the crown, and to the laws, and renounced all foreign allegiance to and every privilege received from any other government. When thus naturalized, they and their legitimate heirs and descendants acquire all the rights and privileges, and are placed upon the same footing as natural-born subjects. The provision, however, in respect to naturalization, though still in full force, has become practically a dead letter, as natives enjoy but few privileges which resident or domiciled foreigners do not possess.

In Hayti, by a modification of the civil code adopted in 1860, any person who in virtue of the constitution wishes to become a citizen, must within a year after his arrival make an oath before a justice of the peace renouncing allegiance to every other government, upon presenting an official attestation of which at the office of the president of Hayti, he

receives from that officer an act recognizing him as a citizen of the republic.

In Mexico two years' residence is required, and one year's previous declaration of intention. This declaration is in the form of a petition to the *ayuntamiento* of the place where the applicant resides. Before he can be naturalized, the applicant must prove before the nearest circuit judge that he is of the Roman Catholic religion, and has a trade, profession, or income sufficient to support him. The documents containing this proof must then be laid before the governor or political chief of the district or territory, and, if satisfactory, letters of naturalization are granted by that officer to the applicant upon renouncing his former allegiance and swearing to support the constitution; but naturalization cannot be obtained while the country to which the applicant owes allegiance is at war with Mexico. Colonists who settle new lands can be naturalized a year after they have settled, and aliens in the naval service become citizens by taking the oath of allegiance. Citizenship in Mexico is lost by residing abroad for ten years without obtaining a prorogation of the permit to be absent; by accepting honors or offices from a foreign sovereign; by becoming naturalized in another country; by a citizen so establishing himself abroad as to indicate a manifest intention not to return; by a Mexican woman upon her marriage with a foreigner, and by the children of Mexicans born out of the country who do not claim the right before they arrive at the age of 26 years, but this is supposed to be unconstitutional since 1857. The adult children of Mexican parents who have lost their citizenship also lose the right, unless they claim it and reside one year in the country after their right to citizenship is recognized, and, finally, any Mexican who in time of war hoists a foreign flag over his house, loses his citizenship, and is punished by banishment. The children of aliens born in Mexico follow the condition of their parents, and are not deemed citizens.

In Brazil three years' previous residence is requisite, after which naturalization is obtained by a joint resolution, which must pass both chambers of the general assembly and be affirmed by the emperor. By a law passed in 1860 children of foreigners born in Brazil have, during their minority, the political condition of their parents; but on reaching their majority they acquire the rights and become subject to the duties of Brazilian citizens. A Brazilian woman marrying an alien follows his condition, but upon becoming a

widow is considered a Brazilian subject if residing in Brazil, or if, returning there, she declares her intention to fix her residence in the country ; and a foreign woman marrying a Brazilian has the political condition of her husband.

In Peru, by the constitution of 1860, naturalization may be granted to foreign residents of the age of 21 years who are engaged in some industrial pursuit, or who are able to support themselves, and who inscribe their names upon the civic register, and by an act passed, March 13, 1860, the governor of a department may naturalize a resident foreigner on his taking the oath of allegiance upon proof of his good conduct, that he has resided in Peru one year, and that he comes within the requirements of the constitution. It is also declared by this act that married women shall have the nationality of their husbands. In Peru the Roman Catholic is the only religion which is tolerated, but whether naturalization is confined to those who profess that religion or is extended to persons of other denominations, is not known.

In Bolivia, by the constitution of 1839, naturalization may be granted to those who renounce all foreign allegiance, and inscribe their names upon the civic register. The conquerors in the battles of Junin and Ayacucho (in which the Spanish army was defeated by Bolivar) and all who fought for the national independence, are by the constitution to be deemed naturalized Bolivians.

In Chili five years' previous residence is necessary ; but where an alien has married a native, this period is reduced to four years.

In Paraguay, an extraordinary system of exclusion was maintained for many years, under the dictatorship of Dr. Francia. Not only were the people of the country prohibited from leaving it, but any stranger or foreigner entering Paraguay, was kept there. This state of things is now changed. Foreigners, who are not political propagandists, and who establish a character for prudence and discretion, are treated with respect, and may be naturalized upon obtaining the consent of the President. By the recent treaty with this country, moreover, citizens of the United States have the right to hold real estate, and the same privileges before the tribunals as citizens of Paraguay.

In the states of Central America the more general rule is, as in Brazil, to naturalize the alien by a legislative act, but in several of the states it is granted by the executive under a general law.

In Venezuela, by a law of 1844, all foreigners coming to that republic to engage in an industrial pursuit, who demean themselves properly, are entitled to be naturalized if embraced under either of the following designations:—1. Emigrants. 2. Persons residing one year in the territory, or who have sailed for six months in a vessel of war or a merchantman belonging to the republic. 3. Resident owners of real estate of the value of one thousand pesos, (about $7 50.) 4. A resident married to a Venezuelan woman. 5. Persons who have rendered important services to the state. It is obtained by a memorial addressed to the *Jefe Politico* of the canton where the applicant resides, setting forth his wish, his nationality, and the names of his wife and children, if he have any. It must be accompanied by legal proof of his means of subsistence, of his good conduct, and of facts showing that he is embraced in the classification above stated. The memorial, and accompanying proof, is then transmitted through the governor of the province to the executive of the state; and if found to be in accordance with the law, letters of naturalization, duly authenticated, are sent to the governor. The applicant is then notified to appear before either the governor or the *Jefe Politico*, and make oath that he will obey the constitution and laws of the republic. The oath is endorsed upon the back of the papers, signed by the party, and attested by the officer before whom it is taken. The wife and minor children of the applicant become naturalized with him, and their names and ages are endorsed upon the papers. The papers are then registered, and the authenticated evidence of his admission is delivered to the applicant free of all expense. Foreigners, naturalized under the former republic of Colombia, which included Venezuela, New Grenada, and Ecuador, are, if residing in Venezuela, entitled to letters of naturalization in that republic upon applying for them. By a decree of the 19th December, 1846, it is declared that natives of Venezuela, naturalized in foreign countries, may renounce their civil rights, but continue bound in Venezuela to the discharge of their civil duties.

In New Grenada, the provision of the Grenadian Compilation upon this subject, are very simple. It declares that the executive may grant letters of naturalization to any person who applies for them. That the application must be made by a memorial, transmitted through the governor of the province, setting forth the nationality of the applicant, and the names of his wife and children, if he have any. If granted, he must make oath before the governor that he re-

nounces all other allegiance, and that he will obey the constitution and laws, and his wife and minor children become naturalized with him.

In Ecuador, by the constitution of 1852, citizens of the former republic of Colombia, and foreigners engaged in some industrial pursuit or business, or who own real estate, or possess money to the amount of $1,000, may be naturalized upon making known their intention to a governor of a province; and persons who have rendered service to the state, may be naturalized by an act of Congress. A foreign woman, married to a citizen, is declared by the constitution to be a citizen of the republic.

In Costa Rica an application must be made to the president of the republic, accompanied by proof that the petitioner has resided there six years, of his good conduct during that period, and of his having honest means of subsistence. Letters of naturalization are then granted him by the president on his renouncing his previous national allegiance. In Honduras foreigners are naturalized by acquiring real estate and a residence of four years; but if one marries a Hondurian wife this period is reduced to two years, or a letter of naturalization may be obtained from the legislature for services rendered to the state, for an important improvement in agriculture or the arts, or for introducing a new manufacture in the country. In San Salvador they are naturalized by acquiring real estate and a residence of five years, or by contracting marriage with a Salvadorian woman and a residence of three years, or by obtaining a letter of naturalization from the legislative body in the same way and for the same causes as in Honduras. In most of the states of Central America where naturalization is granted by the legislature to resident foreigners, it is generally upon application without insisting upon any conditions; the clause that it is upon the ground of important services to the state, &c., being usually inserted in the letters of naturalization as a mere matter of form.

In the foregoing enumeration some countries are omitted, because their laws could not be accurately ascertained, as the Argentine Confederation and Nicaragua, and many countries of Asia and Africa are not noticed for the reason that they have no regulations upon the subject. In the largest of these countries, China, foreigners are, by the imperial code, perpetually excluded, except within certain prescribed limits, and those who, like the Christian missionaries, penetrate into the interior, do so surreptitiously.

This, however, has not always been the case. A people, inhabiting Eastern Asia, are referred to by several ancient writers under the respective designations of the Seres or Sinae, who are supposed to have been the Chinese. They are described by Ammianus Marcellinus, the historian, to whom we are chiefly indebted for the little that is known respecting them, as an unwarlike, frugal, and very industrious people, studiously shunning intercourse with other nations, trafficking, like the modern Chinese, exclusively in their own commodities, receiving money alone in exchange, and as allowing traffic to be carried on only at a frontier station, and then only under very strict precautions. If this people were, as many suppose, the Chinese, they afterwards abandoned these precautionary measures, for, during the Thang dynasty, A. D. 627 to A. D. 878, when Chinese civilization reached a degree of perfection to which it has never since attained, an extensive intercourse was kept up with the Asiatic nations, and Arabs, Persians, and Indians traversed every part of the empire in the prosecution of a widely-extended traffic. When Marco Polo visited the country, A. D. 1274, he found the imperial city of Cathay (Pekin) surrounded by twelve large suburbs, inhabited by foreign merchants and tradespeople, and an active commerce was maintained with India and other countries. He was himself, during his long residence, though a foreigner and a European, employed in important public trusts, and elevated to the high rank of governor of one of the most thickly-populated and highly civilized districts in the empire. In 1537 the Portuguese were allowed to establish themselves permanently for commercial purposes, and it is to the ill conduct of these unscrupulous traders in their Chinese settlements, and to the atrocities practised by them in their course of aggression and conquest in the Indian Archipelago, that we owe the present restrictive policy which was adopted shortly after the commencement of the rule of the Manchoo Tartars, about A. D. 1640. From that time to a period comparatively recent, the animosities, rivalry, and commercial jealousies of the various Portuguese, Dutch, and English traders have been such as to convey a most unfavorable impression of Europeans, and convince the Chinese of the propriety of rigorously maintaining their policy of excluding foreigners from all general intercourse. By the imperial code, no Chinese can pass the boundary of the empire unless by permission; and should he, without a passport from the proper officer, go beyond the prescribed limits and have intercourse with the people of other countries, the penalty is death.